

Examiner's Amendment

1) An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In claim 4:

line 1 after "tire" insert --according to claim 3--

Change title to:

--Tire including projections having sides of unequal length and an undercut extending beneath the apex--

2) Authorization for this examiner's amendment was given in a telephone interview with Richard O'Planick on January 5, 2009.

Reasons for Allowance

3) The following is an examiner's statement of reasons for allowance:

In this application 10/024,869, the Board of Patent Appeals and Interferences rendered a decision on February 29, 2008, in which 35 USC 103 rejections were AFFIRMED-IN-PART. In particular, the Board affirmed the grounds of rejections of claims 1, 2, 5-9 and 14-18 based on Drews 302 and Fronek and reversed the ground of rejection of claims 1-16 and 18 based on Ohsawa.

In the amendment filed 7-21-08, applicant amended claims 3 and 10 so as to place them in independent form. Claims 3, 4 and 10-13 are now pending. Claims 1, 2,

5-9 and 14-18 have been canceled. In view of the Board decision on 2-29-08, the ground of rejection of claims 1-16 and 18 based on Ohsawa has been withdrawn.

On page 5 of their decision on 2-29-08, the Board stated: "The shape of the surface of long side 2 is limited only by the required relative orientation of the surfaces of long side 2 and of radially outer component SI that in more than 75% of the projections, any plane tangent to any common point on the surface of first side 2, from the point of origination on radially outer component SI to its highest point at apex P, must cut the surface of radially outer component SI at an acute angle, that is, at less than 90°" (page 5). In footnote 5 on page 5 of their decision on 2-29-08, the Board stated: "We suggest the Examiner consider whether this relationship is exhibited in Figs. 2, 3, 7, and 9, wherein the region of apex P is a curved line, in considering the scope of the claims upon any further prosecution of the appealed claims subsequent to the disposition of this appeal."

In response to footnote 5 of the Board decision dated 2-29-08, examiner makes the following comments: Claims 3, 4 and 10-13 satisfy 35 USC 112. Claim 3 recites "in more than 75% of the projections, any plane tangent to the first side (2) of the projection cutting the radially outer surface (S1) at an acute angle and wherein said projections are delimited in the region of apexes (P) by a curved line". With respect to Figures 2, 3, 7 and 9, the original specification discloses "Figure 2 represents a cross-sectional view of a radially outer tire component provided with the projections according to the invention, wherein the first and second sides 22 and 22' are delimited in the region of apexes P2 by a curved line." (paragraph 36, page 6 of specification). In Figure 2, 100% of the

Art Unit: 1791

projections have first sides 22, second sides 22' and apexes P2. Therefore, antecedent basis in the original disclosure for the above noted claimed relationship in claim 3 is found in Figure 2 and paragraph 36 on page 6 of the specification. Figure 2 illustrates first sides 22 for which any plane tangent to *first side 22* cuts the radially outer surface S2 at an acute angle. Figure 3 illustrates an embodiment different from Figure 2. More specifically, Figure 3 illustrates that the projections are *delimited* in the region of apexes (P) by an angled corner instead of curved line. Figures 7 and 9 show a top view of the projections instead of a cross sectional view and thereby cannot clearly illustrate the subject matter of any plane tangent cutting the surface of the radially outer component at an acute angle. Hence, the claimed subject matter of "in more than 75% of the projections, any plane tangent to the first side (2) of the projection cutting the radially outer surface (S1) at an acute angle and wherein said projections are delimited in the region of apexes (P) by a curved line" is fairly interpreted as reading on the embodiment of Figure 2 of applicant's disclosure. With respect to "any plane tangent", examiner emphasizes (1) claim 3 recites "any plane tangent to the first side" instead of --any plane tangent to the apex-- and (2) the Board specifically recognized that "... claim 1 specifies 'any plane tangent to the first side (2)' that is, at any point *on* the first side and thus, not at the point of origination of that side." (page 16 of Board decision dated 2-29-08, emphasis in original). Claims 10-13 require a "tread", but do not recite "said projections are delimited in the region of apexes (P) by a curved line" and are therefore generic to Figures 1-6 and 8A-8B. As noted above, Figures 7 and 9 show a top view of the projections instead of a cross sectional view and thereby cannot clearly illustrate the

Art Unit: 1791

subject matter of any plane tangent cutting the surface of the radially outer component at an acute angle. In Summary, the examiner has performed the analysis suggested by the Board in footnote 5 of their decision dated 2-29-08. Examiner holds that (1) claims 3, 4 and 10-13 satisfy 35 USC 112, (2) claims 3 and 4 read on the embodiment shown in Figure 2 and (3) claims 10-13, which are not limited to the embodiment shown in Figure 2, read on the embodiment shown in Figure 8D.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1791

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven D. Maki/
Primary Examiner, Art Unit 1791

Steven D. Maki
January 5, 2009